

104TH CONGRESS
2D SESSION

H. R. 2092

[Report No. 104–827, Part I]

To expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 1995

Mr. BARR of Georgia (for himself, Mr. MARTINEZ, Mr. HEINEMAN, Mr. SCHIFF, Mr. BERMAN, Mr. SERRANO, and Mr. BRYANT of Tennessee) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 24, 1996

Additional sponsors: Mr. SCOTT, Mr. COBLE, Mr. KLECZKA, Mr. FILNER, Mr. OWENS, Mr. GONZALEZ, Mr. ROMERO-BARCELÓ, Ms. PELOSI, Mr. FROST, Mrs. LOWEY, Mr. JOHNSTON of Florida, Ms. RIVERS, Mr. TORRICELLI, Mr. LINDER, Mr. BONILLA, Mr. PACKARD, Mrs. ROUKEMA, Ms. LOFGREN, Mr. KIM, Mr. DIXON, Mr. INGLIS of South Carolina, Mr. McKEON, Mr. ZIMMER, Mr. BISHOP, Mr. TRAFICANT, Mr. GILCHREST, Mr. GALLEGLY, Mr. FRANK of Massachusetts, and Mr. SENSENBRENNER

Deleted sponsor: Mr. BRYANT of Tennessee (added July 21, 1995; deleted July 27, 1995)

SEPTEMBER 24, 1996

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 21, 1995]

A BILL

To expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Private Security Officer*
5 *Quality Assurance Act of 1996”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds that—*

8 *(1) employment of private security officers in the*
9 *United States is growing rapidly;*

10 *(2) the private security industry provides nu-*
11 *merous opportunities for entry-level job applicants,*
12 *including individuals suffering from unemployment*
13 *due to economic conditions or dislocations;*

14 *(3) sworn law enforcement officers provide sig-*
15 *nificant services to the citizens of the United States*
16 *in its public areas, and are only supplemented by*
17 *private security officers who provide prevention and*
18 *reporting services in support of, but not in place of,*
19 *regular sworn police;*

20 *(4) given the growth of large private shopping*
21 *malls, and the consequent reduction in the number of*

1 *public shopping streets, the American public is more*
2 *likely to have contact with private security personnel*
3 *in the course of a day than with sworn law enforce-*
4 *ment officers;*

5 *(5) regardless of the differences in their duties,*
6 *skill, and responsibilities, the public has difficulty in*
7 *discerning the difference between sworn law enforce-*
8 *ment officers and private security personnel; and*

9 *(6) the American public demands the employ-*
10 *ment of qualified, well-trained private security per-*
11 *sonnel as an adjunct, but not a replacement for sworn*
12 *law enforcement officers.*

13 **SEC. 3. BACKGROUND CHECKS.**

14 *(a) IN GENERAL.—An association of employers of pri-*
15 *vate security officers, designated for the purpose of this sec-*
16 *tion by the Attorney General, may submit fingerprints or*
17 *other methods of positive identification approved by the At-*
18 *torney General, to the Attorney General on behalf of any*
19 *applicant for a State license or certificate of registration*
20 *as a private security officer or employer of private security*
21 *officers. In response to such a submission, the Attorney Gen-*
22 *eral may, to the extent provided by State law conforming*
23 *to the requirements of the second paragraph under the head-*
24 *ing “Federal Bureau of Investigation” and the subheading*
25 *“Salaries and Expenses” in title II of Public Law 92–544*

1 (86 Stat. 1115), exchange, for licensing and employment
 2 purposes, identification and criminal history records with
 3 the State governmental agencies to which such applicant
 4 has applied.

5 (b) *REGULATIONS.*—The Attorney General may pre-
 6 scribe such regulations as may be necessary to carry out
 7 this section, including measures relating to the security,
 8 confidentiality, accuracy, use, and dissemination of infor-
 9 mation and audits and recordkeeping and the imposition
 10 of fees necessary for the recovery of costs.

11 (c) *REPORT.*—The Attorney General shall report to the
 12 Senate and House Committees on the Judiciary 2 years
 13 after the date of enactment of this bill on the number of
 14 inquiries made by the association of employers under this
 15 section and their disposition.

16 **SEC. 4. SENSE OF CONGRESS.**

17 It is the sense of Congress that States should partici-
 18 pate in the background check system established under sec-
 19 tion 3.

20 **SEC. 5. DEFINITIONS.**

21 As used in this Act—

22 (1) the term “employee” includes an applicant
 23 for employment;

24 (2) the term “employer” means any person
 25 that—

1 (A) employs one or more private security of-
2 ficers; or

3 (B) provides, as an independent contractor,
4 for consideration, the services of one or more pri-
5 vate security officers (possibly including oneself);

6 (3) the term “private security officer”—

7 (A) means—

8 (i) an individual who performs secu-
9 rity services, full or part time, for consider-
10 ation as an independent contractor or an
11 employee, whether armed or unarmed and
12 in uniform or plain clothes whose primary
13 duty is to perform security services, or

14 (ii) an individual who is an employee
15 of an electronic security system company
16 engaged in one or more of the following ac-
17 tivities in the State: burglar alarm techni-
18 cian, fire alarm technician, closed circuit
19 television technician, access control techni-
20 cian, or security system monitor; but

21 (B) does not include—

22 (i) sworn police officers who have law
23 enforcement powers in the State,

1 (ii) attorneys, accountants, and other
2 professionals who are otherwise licensed in
3 the State,

4 (iii) employees whose duties are pri-
5 marily internal audit or credit functions,

6 (iv) persons whose duties may inciden-
7 tally include the reporting or apprehension
8 of shoplifters or trespassers, or

9 (v) an individual on active duty in the
10 military service;

11 (4) the term “registration permit” means a li-
12 cense, permit, certificate, registration card, or other
13 formal written permission from the State for the per-
14 son to engage in providing security services;

15 (5) the term “security services” means the per-
16 formance of one or more of the following:

17 (A) the observation or reporting of intru-
18 sion, larceny, vandalism, fire or trespass;

19 (B) the deterrence of theft or misappropria-
20 tion of any goods, money, or other item of value;

21 (C) the observation or reporting of any un-
22 lawful activity;

23 (D) the protection of individuals or prop-
24 erty, including proprietary information, from
25 harm or misappropriation;

1 (E) the control of access to premises being
2 protected;

3 (F) the secure movement of prisoners;

4 (G) the maintenance of order and safety at
5 athletic, entertainment, or other public activities;

6 (H) the provision of canine services for pro-
7 tecting premises or for the detection of any un-
8 lawful device or substance; and

9 (I) the transportation of money or other
10 valuables by armored vehicle; and

11 (6) the term “State” means any of the several
12 States, the District of Columbia, the Commonwealth
13 of Puerto Rico, the United States Virgin Islands,
14 American Samoa, Guam, and the Commonwealth of
15 the Northern Mariana Islands.

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